

\*1\*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MICHAEL J. FREY, : CIVIL ACTION  
Plaintiff, :  
: NO. 10-cv-3093  
vs. :  
MICHAEL J. ASTRUE, :  
Defendant. : v

**O R D E R**

AND NOW, this 24<sup>th</sup> day of January, 2012, upon

consideration of Plaintiff's Request for Review and Defendant's response thereto, and after  
careful review of the Report and Recommendation of United States Magistrate Lynne A. Sitarski,

IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. Plaintiff's motion is DENIED; and
3. Judgment shall be entered in this matter in favor of DEFENDANT.

BY THE COURT:

/s/ Legrome D. Davis  
LEGROMÉ D. DAVIS, J.